Previous references.

File No. 9
of 1904-05

190 4

(III - Courts)

Later references.

Rc. 33 of 07 Mad.
3 Weir 2.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 and 2

PART B. FOR July 1904.

SUBJECT.

Adoption by the Civil Courts of the system of taking the thumb impression of illiterate persons in certain cases.

	FILE No. 9 OF 1904-05.
	Adoption by the Civil Courts of the system of taking the thumb impressions of illiterate persons in certain cases.
1	From the Registrar, Chief Court, No. 50—3, dated the 5th July 1904. States that the Judges consider that the system of taking the thumb impressions of illiterate persons may be adopted by the Civil Courts in certain cases and encloses draft of a Rule proposed to be issued in the matter.
2	Government Proceedings No. 132—9 of 04-05-2—J, dated the 20th July 1904. Approves the issue of the proposed Rule of Practice.

G.R.S. 11] 1904-05

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 9 of 1904-05

FILE HEADING.

Adoption by the Civil Courts of the system of taking the thumb impressions of illiterate persons in certain cases.

From

The Registrar, Chief Court.

No. 58/3 Dated 5/7/04 Received 8/7/04.

Diary No. J. 45	Enclos. one	Spare Copies. —	Serial No. 1.

BRIEF ABSTRACT OF LETTER.

States that the judges consider that the system of taking the thumb impressions of illiterate persons may be adopted by the Civil Courts in certain cases and forwards a draft Rule for issue under Sec 652 of the Civil Pro Code.

NOTES AND ORDERS.

Flag S
9/7

Letter for orders - ~~with draft for publication~~

9/7/04 9-7-04 1. The rule seems, in itself, to be a good one. But I doubt if it can be enforced against parties,

NOTES—First sheet.

MGCPB—5,000—18-5-04

Serial No.

if they object to their thumb impressions being taken. Section 652 ~~empowers~~ enables the Chief Court to make ~~rules~~ rules about matters connected with the procedure of Courts; ~~and~~ this is insufficient to provide for the rules framed thereunder being of general application.

3. Perhaps the difficulty may be pointed out to the Chief Court.

Lo 16/7

M Chaudhuri 11/7

40
11-7-04

4. "Procedure" is, I think, an expression comprehensive enough to include the matter in question. The Chief Court should seem to overcome any difficulty in the practical application of the proposed Rule which therefore may be allowed. C 11/7/04.

5. ~~Does~~ Court of Appeal or sanction required. There is nothing said about it in section 652. Please refer to the Civil Courts Regulation. C 11-7.

× This has not been asked for. What is the object of this communication? C.

Note.—Contin. sheet.

G.R.S. 12]

General and Revenue Secretariat.

File No. 9 of 1904-05

Serial No.

7. There is no provision in the Civil Courts Regn (I of 1883)* for framing rules. The Chief Courts Regn (I of 1884)*, ss. 19 & 20 & 2, empowers the Chief Court to make rules on certain matters with the previous sanction of Govt; but the matter now under consideration is not one of these.

8 As a new departure is contemplated perhaps the Chief Court wish to have the opinion of Govt. Whether Govt will interpose any objections or suggest any doubts.

9. What action can be taken against a party who refuses to affix his thumb mark when called upon to do so, is perhaps a point for consideration. S. 65 2 of the C. P. C. does not prescribe a penalty for breaches of rules.

Resubd to Sec. Cr

12/2/05

10. The Rule proposed does not seem to be inconsistent with the Code, there-

* Printed in Vol II of the Statute Code.

(40) Rd 12-7-04

MGCPB—10,000—19-5-04

No 50/3 Encl

J 45

S.C. No. 1

Bangalore, 5th July 1904

From,

V. N. Rajaratna Mooderliar Esquire,
Registrar, Chief Court of Mysore

To,

B. K. Venkatavardengar Esquire,
Offg: Secretary to the Government
of Mysore.
General & Revenue Depts.

Sir,

I am directed to state that the Judges consider that the system of taking the thumb impression of illiterate persons may with advantage be adopted by Civil Courts in certain cases to supplement marks or signatures of parties in order to minimize fraud. It is proposed to introduce it in cases where parties (Plaintiffs or Defendants) have to affix their mark or signature to original summonses or notices served on them, to depositions made by them in any suit or proceeding in which they are not represented by a Pleader and to

a Knowledgement

acknowledgments in Registers of Courts for receipt of cheques or money. The enclosed is a draft of the Rule intended to be issued under Section 652 of the Code of Civil Procedure.

The necessity for the Rule lies in the fact that applications are often received for setting aside decrees and orders passed ex parte on the ground that the summonses were not served upon the applicants and that their alleged signatures or marks are not genuine. In such cases, the thumb impressions will furnish reliable evidence as to the actual service of the process.

As regards payment of monies or cheques from Court also, there is generally some hesitation to deal directly with parties without their pleaders or respectable persons identifying them and some inconvenience and delay are necessarily suffered by parties in consequence. These will be obviated when the thumb

impression

impression serves as a means of identification. The left thumb impression is preferred as the inner surface of the right thumb is apt to be more worn by work especially among the lower classes.

There will be no practical difficulty in enforcing the observance of this Rule, as the Process Servers and Court Attendants can be very easily trained to take thumb impressions. The ink pad is the only appliance required for the purpose and it is not costly or difficult to carry by the Process Servers along with the processes.

I have the honor to be,

Sir

Your most Obedient Servant,

A Raghavendra

Registrar.

nim

In the Chief Court of Mysore.
Civil Side.

Rule of Practice No dated 1904.

Under Section 652 of the Code of Civil Procedure the following rule is issued by the Chief Court for regulating the practice of all Civil Courts.

The impression of the left thumb of persons concerned in Civil Cases shall be taken (in printer's ink) along with their mark or signature in the following cases.

1. When such persons affix their mark or signature to any original Summons or notice after receiving the copy served on them.

2. When such persons affix their mark or signature to depositions made by them in any suit or proceeding in which they are not represented by a Pleader.

3. When such persons affix their mark or signature to any Book or paper for the purpose of acknowledging the receipt of any cheque or money from the Court.

(5

V

5

G.R.S. 28]

File No. 5 of 04-05

Serial No. 2

Diary No. of letter replied to ———

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Courts)

READ.—

the 1 190

Letter No. 50 dated the 5th July 1904 from the Registrar of the Chief Court of Mysore. Stating that the judges consider that the system of taking the thumb impressions of illiterate persons may with advantage

Date of issue 20/7/04

Signed by Mr K S Chandrasekara Aiyar.

No: 182-(9 of 1904-5)-2

2 D/20/7/04

ORDER THEREON.— No. ~~182-(9 of 1904-5)-2~~ 2

be adopted by the Civil Courts in certain cases to supplement marks or Signatures of parties in order to minimise fraud and enclosing a Draft of the Rules proposed to be issued in the matter

Recd in B 21-7-04

Order thereon— The

over

SUBJECT

Adoption by the civil Courts of the System of taking the thumb impressions of illiterate persons in certain Cases—

6)

The Government see no objection to the issue by the Chief Court of the rule in question.

19/8/04
Secretary.

To The Registrar, Chief Court.

DH
1877/04
19.8.04

Cpd: V.Th.K: 19/8/04.

Examd: [illegible] 19/8/04